

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

August 23, 2002

The Mayor has called a special City Council meeting to be held Monday, August 26, 2002 at 6:30 p.m., Council Chambers, City Center.

PUBLIC HEARING - proposed City Charter Amendment (Order #260)

PUBLIC HEARING - discussion of refinance of IUUAL pension liability and issuance of bonds (Order #261)

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ, FIRST READING

260 Manager (Department of Finance)
ORDERED, That the City Council will hold a public hearing on August 26, 2002 at 7:00 p.m. to consider the following proposed amendment to the City Charter and to decide whether it should be placed on the ballot at the next regular municipal election:

"Shall the municipality approve the Charter amendment summarized below?"

Amend Subpart A, Article VII, Section 8 to allow the City flexibility as to how it makes bond payments by eliminating the requirement to make equal interest and principal payments.

261 Manager (Department of Finance)
ORDERED, That (1) a sum not to exceed \$13,150,000 be and hereby is appropriated for the purpose of paying all or a portion of the unfunded liability of the City of Augusta to the Maine State Retirement System, including accrued and unpaid interest thereon, and paying certain costs of issuance of the bonds and notes hereinafter authorized.

(2) To meet the aforesaid appropriation, the Assistant City Manager for Finance and Administration (herein Assistant City Manager) is hereby authorized and directed under and pursuant to Section 8 of Article VII of the City Charter and other enabling authority to prepare, issue and sell, at one time or

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

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from time to time, as one or more separate issues, general obligation serial bonds or notes of the City of Augusta in an aggregate principal amount not to exceed \$13, 150,000. The date, denominations, interest rate or rates and all other particulars as to form, issue and sale of each issue of said bonds or notes shall be determined by the Assistant City Manager, provided that each issue of said bonds or notes shall be signed by the Assistant City Manager and by the Mayor, whose signature may be by facsimile, shall bear the City seal or an authorized facsimile thereof, and shall mature in annual installments, the first installment to be payable on or before December 31 of the year after the year in which said bonds or notes are issued, and the last installment to be payable not later than thirty (30) years after the date of issue of such bonds or notes. The issue of bonds and notes authorized hereby may be consolidated for purposes of sale and issuance with any other authorized issue of bonds and notes, provided that the bonds or notes of each component of the consolidated bonds or notes shall mature over a term not longer than the term permitted by the City Charter for such component. The Assistant City Manager is authorized to sign such agreements, instruments and certifications as are required in connection with the issuance of the bonds or notes.

(3) An amount sufficient for the payment of the annual installments of principal of and interest on said bonds or notes shall be included in the tax levy for each year during which any of such bonds or notes shall be outstanding until the debt represented by said bonds or notes is extinguished.

(4) The Assistant City Manager be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds or notes to be issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of said bonds or notes herein authorized, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal shall be paid within the maximum term permitted by law therefor. The Assistant City Manager is hereby authorized and directed, subject to the provisions of this Order and the applicable provisions of law, to sign and determine the date or dates of the note or notes (including renewal notes), the interest rate or rates they

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

261 Continued

shall bear and all other details of things necessary and proper to effectuate the issue and sale thereof, provided that said note or notes shall be signed by the Assistant City Manager and by the Mayor, whose signature may be by facsimile, and shall bear the City seal or an authorized facsimile thereof. The Assistant City Manager is authorized to sign such other agreements, instruments or certificates as are required in connection with the issuance of the notes.

(5) Upon final passage of this Order, the City Clerk be and is hereby directed to prepare the question of ratification of this Order for submission to the voters at the Municipal Election on November 5, 2002 in accordance with the City Charter, as amended.

NEW BUSINESSPART 1 - ORDERS

267 Manager (Bureau of Economic Development)

WHEREAS, the City of Augusta (the "City") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as the "City of Augusta Downtown Development and Tax Increment Financing District" (the "District") and to adopt a Development Program for the District (the "Development Program"); and

WHEREAS, there is a need for commercial development in the City of Augusta; and

WHEREAS, there is a need to provide new employment for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta; and to improve the general economy of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional employment for the citizens of the City of Augusta and the surrounding region; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

NEW BUSINESS (Con't)

267 Continued

WHEREAS, the City desires to designate the City of Augusta Downtown Development and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department"), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, That the attached, which creates the City of Augusta Downtown Development and Tax Increment Financing District, be approved.

268 Manager (Bureau of Economic Development)

WHEREAS, the City of Augusta, Maine (the "City") designated its Mall Area Development District (the "District") and approved Program for the District (the "Development Program") by Order 338 of its City Council adopted and approved February 20, 1990. The designation of the District and the Development Program were approved by the Maine Department of Economic and Community Development (the "DECD") by letter dated March 19, 1990; and

WHEREAS, the First Amendment to the Development Program was approved by Order of the City Council of the City adopted May 13, 1992, and by the DECD by letter dated July 1, 1992; and

WHEREAS, the Second Amendment to the Development Program was approved by Order of the City Council of the City adopted April 28, 1995, and by the DECD by letter dated June 8, 1995; and

WHEREAS, the Third Amendment to the Development Program was approved by Order of the City Council of the City adopted December 16, 1996, and by DECD by letter dated March 31, 1997; and

NOW THEREFORE BE IT ORDERED, That the Development Program is hereby supplemented and amended as follows:

(1) That the Development Plan, adopted on February 20, 1990, which provided for a set aside in the amount of \$300,000 for "Economic Planning and Revolving Loan", be eliminated and that this \$300,000 be reallocated for use in the newly adopted "City of Augusta Downtown Development and Tax Increment Financing District";

NEW BUSINESS (Con't)

268 Continued

(2) That the tax increment revenues to be captured in the "Augusta Growth Fund", as per direction of Council Order 472 (May 18, 1992) and to total at least \$700,000 over 10 years, be reallocated for use in the newly adopted "City of Augusta Downtown Development and Tax Increment Financing District"; and

(3) That up to \$250,000 of annual tax increment revenues being generated from Phase I of the Mall Area Development District be sheltered and applied toward eligible operational expenses of the Office of Economic and Community Development, for the remaining duration of the District.

Respectfully submitted,

Cheryl A. Frith
City Clerk